



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY, DECEMBER 23, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Pro Tem Larry Medina present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, John Cook, Daniel S. Power, and Luis G. Sariñana. Late arrival: Paul J. Escobar arrived at 9:30 a.m. Absent: Mayor Raymond C. Caballero. Meeting was called to order at 9:05 a.m. and the invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. International Network for Educational Technology Month
2. Sun Bowl Days
3. Project Blue Light Week

Motion made by Representative Medina, seconded by Representative Sumrall, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to excuse Mayor Raymond C. Caballero and delete to excuse Representative Luis G. Sariñana from the Regular Council Meeting of December 23, 2002.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Lessor's Approval of Assignment of the Butterfield Trail Industrial Park Lease dated November 1, 1986, from Morven Partners L.P. to John B. Sanfilippo & Son, Inc. for the real property described as follows:

Portion of Lot 4 and a portion of Lot 5, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A" and municipally known and numbered as #8 Zane Grey, El Paso, El Paso County, Texas.

***RESOLUTION**

WHEREAS, certain lands in El Paso County are assigned water rights under the Rio Grande Federal Reclamation Project and the owners thereof may assign said rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10494, 10495, 10496, 10497, 10498, 10499, 10500, 10501, 10502, 10503, 10504, 10505, 10506, 10507, 10508, 10509, 10510, 10511, 10512, 10513, 10514, 10515, 10516, 10517, and 10518 for irrigation water acres, in El Paso County, Texas.

***RESOLUTION**

WHEREAS, certain lands in El Paso County are assigned water rights under the Rio Grande Federal Reclamation Project and the owners thereof may assign said rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10519, 10520, 10521, 10522, 10523, 10524, 10525, 10526, 10527, 10528, 10529, 10530, 10531, 10532, 10533, 10534, 10535, 10536, 10537, 10538, 10539, 10540, 10541, 10542, and 10543 for irrigation water acres, in El Paso County, Texas.

***RESOLUTION**

WHEREAS, certain lands in El Paso County are assigned water rights under the Rio Grande Federal Reclamation Project and the owners thereof may assign said rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10544, 10545, 10546, 10547, 10548, 10549, 10550, 10551, 10552, 10553, 10554, 10555, 10556, 10557, 10558, 10559, 10560, 10561, 10562, 10563, 10564 for irrigation water acres, in El Paso County, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

María Muñoz for a block party in the 2800 block of Nashville Avenue
between Elm and Piedras on Tuesday, December 17, 2002, from 6:00
p.m. until 8:00 p.m.

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***RESOLUTION**

WHEREAS, by Resolution dated November 6, 2001, the City Council of the City of El Paso authorized the creation of the Mayor's Brownfields Redevelopment Task Force to assist with the implementation of the El Paso Brownfields Redevelopment Project and to make recommendations to the Mayor with respect to economic development of properties which may potentially be classified as brownfields sites; and

WHEREAS, seven individuals were nominated to serve as members of the original Task Force and one additional member has since been authorized and nominated by Resolution of City Council dated October 15, 2002; and

WHEREAS, the Mayor desires that a ninth member of the Task Force be authorized and nominated;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the authorized membership of the Mayor's Brownfields Redevelopment Task Force be modified to provide for nine (9) members; and
2. That Lester Parker be nominated to serve as an additional member of the Task Force.

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***RESOLUTION**

WHEREAS, El Paso Community College (EPCC) and the Upper Rio Grande Workforce Development Board (URGWDB) plan to create a training program for workers in the brownfields clean-up industry; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) is making available grants for such training programs; and

WHEREAS, application for such brownfields training grants requires participation by a unit of local government; and

WHEREAS, EPCC and the URGWDB desire to enter into an interlocal governmental agreement with the City of El Paso to form a coalition for preparing and submitting an application to the EPA for a brownfields training grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor direct the City's staff to draft an Interlocal Governmental Agreement with El Paso Community College and the Upper Rio Grande Workforce Development Board to provide for cooperation in submitting an application to the U.S. Environmental Protection Agency for a brownfields training grant and that such agreement shall be subject to approval by City Council.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute an Amendment to Partnership Agreement between the Upper Rio Grande Workforce Development Board and Top Chief Elected Officials of the Upper Rio Grande Workforce Development Area to extend the term of the Agreement.

*Motion made, seconded and unanimously carried to delete the Resolution that the City Council hereby rescinds its action of December 17, 2002, resolving to place a lien on the property located at the 400 Block of San Saba, and instructing the City Clerk to file a copy of that Resolution as notice of that Lien.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, pursuant to applicable federal regulations, be authorized to sign Representations and Certifications from the Environmental Protection Agency (EPA) regarding disposal services at McCombs Landfill.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to the Cooperative Agreement between the City of El Paso and El Paso County for the continuation of the El Paso of the El Paso City County Health District to amend Section III, Paragraph 3, Budget Adoption and City and County Appropriation, to identify the preparation of the District's budget for each fiscal year; to amend Section III, Paragraph 4, Payment, to identify the amount the County shall pay and identify the period for reconciliation; and to amend Section IV, Management and Operations, to identify the staffing of the District acceptable to the Texas Department of Health for the purpose of qualifying for state matching funds for the operation of the District.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement between the City and County of El Paso, on behalf of the El Paso City-County Health and Environmental District, and the Town of Clint, Texas, for the provision of public health services by the Health District to residents of the Town of Clint. This Agreement is in the amount of \$4,370.80, and shall be effective from September 1, 2002 through August 31, 2003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **Mijares-Mora Architects, Inc.**, for architectural consulting services for a period of two (2) years, in an amount not to exceed ONE MILLION DOLLARS AND NO/100 DOLLARS (\$1,000, 000.00).

NOTE: Resolution was revised to read ***"for a period of two (2) years"***.
Representative Sumrall stated for the record that Mijares-Mora Architects, Inc. does phenomenal work.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **S&B Infrastructure, Ltd.**, for traffic engineering services for a period of one (1) year in an amount not to exceed ONE MILLION AND NO/DOLLARS (\$1,000,000.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Public Library be authorized to allow the Friends of the El Paso Public Library to serve wine and cheese at their Annual Meeting being held at the Main Library, 501 North Oregon, on January 12, 2003, from 2:00 p.m. – 5:00 p.m.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library ("the Library") be authorized to sign the Costume Appearance Agreement with Costume Specialists, Inc., for the loan of a "Curious George" walk-about character costume from January 9 to January 20, 2003. The costume shall be used for programs at all libraries during such time period. The costume is provided at no fee to the Library, except for an estimated \$40 - \$70 to cover return shipping costs.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library ("the Library") be authorized to sign the Costume Appearance Agreement with Costume Specialists, Inc., for the loan of a "Man in Yellow Hat" walk-about character costume from January 9 to January 20, 2003. The costume shall be used for programs at all libraries during such time period. The costume is provided at no fee to the Library, except for an estimated \$40 - \$70 to cover return shipping costs.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Luis P. Gutierrez (Luis Pegut) covering the photo exhibition entitled, "Monumentos De Mi Ciudad," at the Richard Burges Branch of the El Paso Public Library System for the period of March 1, 2003 through May 1, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

GALATZAN RECREATION CENTER

DEPARTMENT ID: 51510131, ACCOUNT 502214

1. CONTRACTOR: Keith Spencer, Art Instructor
- DATES: January 6, 2003, thru August 31, 2003
- RATE PER CL: \$9.55
- MAXIMUM AMT: \$1,456.00
- CONTRACT: 2002/2003-082

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. Robert Hall, Senior Lifeguard, Step 1, Contract period begins on the date approved by City Council to August 31, 2003. **2002/2003-016**
2. Douglas Long, Senior Lifeguard, Step 4, Contract period begins on the date approved by City Council to August 31, 2003. **2002/2003-017**
3. Jennifer K. Sanchez-Ruiz, Indoor Pool Manager, Contract period begins on the date approved by City Council to August 31, 2003. **2002/2003-018**

SUN COUNTRY

DEPARTMENT ID: 51510056, G7128CD0032, ACCOUNT 501011

4. Anna Thornton, Daycare Director, Step 6, Contract period begins on the date approved by City Council to August 31, 2003. **2002/2003-019**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

PAVO REAL RECREATION CENTER

DEPARTMENT ID: 51510115, ACCOUNT 501011

1. CONTRACTOR: Maria M. Favela, Instructor Aide, Step 1
DATES: December 26, 2002 thru August 31, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-157

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.
[Parks and Recreation, Richard Garcia, (915) 541-4331]

ACOSTA SPORTS CENTER

DEPARTMENT ID: 51010215, ACCOUNT 502215

1. CONTRACTOR: El Paso Umpires Association, Umpires Assigner Softball
DATES: January 1, 2003, thru August 31, 2003
RATE PER GM: \$1.00
MAXIMUM AMT: \$4,000.00
CONTRACT: 2002/2003-077
2. CONTRACTOR: Nancy Jackson, Field Supervisor Softball
DATES: January 1, 2003, thru August 31, 2003
RATE PER GM: \$11.50
MAXIMUM AMT: \$2,530.00
CONTRACT: 2002/2003-078
3. CONTRACTOR: El Paso Umpires Association, Field Supervisor Softball
DATES: January 1, 2003, thru August 31, 2003
RATE PER GM: \$11.50
MAXIMUM AMT: \$2,530.00
CONTRACT: 2002/2003-079
4. CONTRACTOR: El Paso Umpires Association, Umpires Softball
DATES: January 1, 2003, thru August 31, 2003
RATE PER GM: \$16.00
MAXIMUM AMT: \$3,200.00
CONTRACT: 2002/2003-080
5. CONTRACTOR: Esteban Raya, Jr., Field Supervisor Softball
DATES: January 1, 2003, thru August 31, 2003
RATE PER GM: \$10.75
MAXIMUM AMT: \$2,150.00
CONTRACT: 2002/2003-081

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Six Amendment To State Use Contract – Contract for Cleaning Services with Texas Industries for the Blind and Handicapped and Professional Contract Services, Inc., pertaining to cleaning services at the El Paso International Airport.

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***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

NOW, THEREFORE, BE IT RESOLVED:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

Lots 6 and 7, (6000 sq. ft.), Block 36, Highland Park, an Addition to the City of El Paso, El Paso County, Texas. (PID #H453-999-0360-1300)

***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 14th day of January, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 634 Casa Grande Place, in El Paso, Texas, which property is more particularly described as:

Lot: 226, Third Section Singh Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 2, Page 59, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Consuelo Luna, 634 Casa Grande Place, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgages, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, _ortgages, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 14th day of January, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 9300 Carranza Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 247, Third Section Singh Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 2, Page 59, Plat Records of El Paso, County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Ruben Arroyo, 9300 Carranza Drive, El Paso, Texas 79907, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgages, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, _ortgages, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 14th day of January, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3831 Mountain Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 1 and 2, Block 77, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Michael and Beth Manwaring, 10156 Cork Drive, El Paso, Texas 79925, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- V) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- VI) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- VII) the Owners may be confined in jail as permitted by state law and;
- VIII) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the Pleasant Hills Unit Six Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

- Black Sands Lane - from the north property line of Coral Sands Drive to the northeast subdivision boundary line
- Wilde Sands Court - from the east property line of Black Sands Lane to the end of cul-de-sac
- Coral Sands Drive - from the southeast subdivision boundary line to the end of cul-de-sac

Drainage Improvements:

- PONDING AREA - at Lot 32, Block 10; with a 1.53 ac. Area and a 15.49 ac-ft. Capacity; 63 ft. x 10 ft. Concrete Flume Structure with Concrete Rip Rap; 1-Thrust Block Structure with Concrete Rip Rap; 20 ft x 15 ft. Concrete Flume Structure; 1-6 Grate Drop Inlet;
- 55 ft. of 36" R.C.P.; 434 ft. of 24" R.C.P.; 2-48" Manholes; 1038.0 ft. of 6.0 ft. high Rockwall Fence; 18.0 ft. Double Swing Gate; 2-Guard Post; 64 ft. x 5 ft. Concrete Sidewalk with Steel Plate; and Pipe Rail

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the Patriot Village Unit Three Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

- Roger Hornsby Street - from the southwest subdivision boundary line to the end of cul-de-sac
- Whitey Ford Street - from the southwest subdivision boundary line to the northeast subdivision boundary line

Drainage Improvements:

Surface Drainage

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the VJM Industrial Park Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

- Diesel Drive - from the southeast subdivision boundary line to the southwest subdivision boundary line

Ponding Area - at Lot 2, Block 2; with a 7.143 ac. Area and a 34.48 ac.-ft. capacity; 1-Concrete Thrust Block Structure with 10 ft. x 20 ft. Mortar Rip Rap; 171.99 ft. of 42" R.C.P. Storm Drain; 1514.17 ft. x 6.0 ft. high Rockwall Fence around the ponding area perimeter; and 648.80 ft. x 6.0 ft. Chainlink Fence on the northwest of the subdivision boundary line

743.98 ft. x 27.50 ft. Access and Drainage R.O.W.-between Lots 1 and 3, Block 2; 708.08 ft. of 42" R.C.P. Storm Drain; 1-Manhole/Junction Box with 2-Grate Manhole Ring Cover; 672.18 ft. x 6.0 ft. high east Rockwall; 743.98 ft. x 6.0 ft. high west Rockwall; and 1-18 ft. Double Swing Gate

- A.** Botello, Elizabeth – Secretary I
- B.** Hicks, Herman J. – Police Officer
- C.** Lucero, Leonel – Solid Waste Landfill Attendant
- D.** Del Toro, Veronica – Cashier I

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to postpone until the City Council Meeting of Thursday, January 2, 2003, the board appointment of Amy B. Shoemaker to the El Paso Mountain Committee by Representative Luis G. Sariñana.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- REGULAR COUNCIL MEETING – DECEMBER 23, 2002

- H. PID # P654-999-0010-5900 & H788-008-0370-0100 & H791-003-0100-0140, \$1,038.77 per month installments on a balance of \$37,395.72 for 1999, 2000 & 2001; Lanny R & Candace C Roberts – 10560 Shannon Pl.
- I. PID # V893-999-2520-6500, \$201.61 per month installments on a balance of \$2,419.32 for 2000 & 2001; Walter H & Beatrice S Rex – 1605 James Chisum Dr.
- J. PID # W590-000-0010-0800, \$720.00 per month installments on a balance of \$4,320.00 for 2000 & 2001; Desert Moon Inc. – 171 Wiseman Cir.

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*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- K. Good Time Stores, in the amount of \$1,732.40, overpayment of 2001 taxes.
(PID #2001-999-0734-0042)
- L. Bill Walker Realty, in the amount of \$1,632.16; overpayment of 2002 taxes.
(PID #A642-999-0020-2500)
- M. Lone Star Title Company, in the amount of \$1,171.15; overpayment of 2002 taxes.
(PID #C741-999-0230-3000)
- N. Barrett, Burke, Wilson, Castle, Daffin & Frappier, LLP, in the amount of \$1,818.07; overpayment of 2002 taxes. (PID #C840-999-0010-4700)
- O. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$2,211.43; overpayment of 2001 taxes. (PID #C942-999-0040-3000)
- P. Fidelity National Tax Service, in the amount of \$555.55; overpayment of 2001 taxes.
(PID #E014-999-1350-5700)
- Q. Jesus M. Palacios, in the amount of \$1,501.17; overpayment of 2002 taxes.
(PID #G686-999-0190-2100)
- R. Sierra Title Co., in the amount of \$5,402.34; overpayment of 2002 taxes.
(PID #M344-999-0260-1500)
- S. Lone Star Title, in the amount of \$1,581.86, overpayment of 2001 taxes.
(PID #M771-999-0090-4100)
- T. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$1,249.91 overpayment of 2001 taxes. (PID #M771-999-0300-0800)
- U. Industrial Developments International, Inc., in the amount of \$12,563.67; overpayment of 2000 taxes. (PID #P192-999-0050-2000)
- V. Roberto Garibay, in the amount of \$771.32, overpayment of 2002 taxes.
(PID #P481-999-0100-0900)
- W. Principal Residential Mortgage, Inc., in the amount of \$2,272.01; overpayment of 2002 taxes.
(PID #P654-999-1170-0100)
- X. Lawyers Title, in the amount of \$1,969.07; overpayment of 2002 taxes.
(PID #P677-999-0040-2100)
- Y. Principal Residential Mortgage, Inc., in the amount of \$3,141.39; overpayment of 2002 taxes.
(PID #V893-999-5510-1900)
- Z. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$1,872.08; overpayment of 2001 taxes. (PID #W145-999-0230-3000)

.....
*Motion made, seconded and unanimously carried to allocate Five Thousand Dollars (\$5,000.00) from District 8 Discretionary Funds for the purchase and installation of a water fountain at Mundy Park.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda RFP No. 2003-009R Deferred Compensation Administrator:

Mr. Lou Moreno, Regional Vice-President Nationwide Retirement Solutions, commented and answered questions from and responded to comments made by the Council Members. He proposed that the City employees be allowed to decide which company they would like to utilize; Nationwide or ING.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, answered questions from and responded to comments made by the Council Members. He did not recommend approving the RFP with multiple vendors. He explained that whomever was awarded the RFP would be required to meet with City employees and educate them regarding their deferred compensation options.

Representatives Power, Sumrall, Cook, Cobos, Rodriguez, Sariñana, and Escobar made remarks and asked questions of Nationwide Representatives, ING Representatives, and City staff.

Ms. Rita Rodriguez, City Attorney, answered questions from and responded to comments made by the Council Members. She suggested that the matter be postponed in order that the RFP language be revised to note award to multiple vendors, if Council Members so decided.

Mr. Joe Rico, Nationwide Representative, explained that he had held 155 meetings amongst all the City departments, except the five where he was not given permission to make his presentation. He clarified that of the 155 meetings, none were "Employee Orientation" meetings.

Messrs. Presi Ortega and Bryan Harrington, ING Representatives, answered questions from and responded to comments made by the Council Members.

Mr. Rafael Gardon, City employee, spoke in opposition of transferring his monies to ING and questioned whether or not would the same mutual fund accounts with Nationwide be offered at ING. He noted that a petition containing 193 City employee signatures not wishing to transfer their deferred compensation monies to ING, was given to Council Members.

Mr. Charlie McNabb, Chief Administrative Officer, provided comment.

Mr. Bryan Harrington noted that the majority of funds with Nationwide were available through ING; however, those that were not could be made available through the "mutual fund window" offered by ING.

Ms. Chris Acosta, City employee for 23 years, stated that although she had participated in the deferred compensation plan with Nationwide she had never been contacted by a Nationwide representative nor had she heard of any seminars that she could attend. She questioned why the Fire and Police Departments had received "special" attention and City employees were not given such attention.

Ms. Debbie Hamlyn, Director of Community & Human Development, explained that Nationwide representatives had been invited to come and speak with employees in the Community & Human Development Department. She stated that employees were concerned that their current accounts with Nationwide would not be transferred or would be placed into other accounts with the ING company.

Representative Sumrall moved to postpone the matter for one (1) month or four (4) weeks to allow the City employees to meet with the company handling those monies.

Ms. Sylvia Marquez, City employee, commented on her experience with Nationwide and requested that the RFP be awarded to ING.

Ms. Richarda Duffy Momsen, Municipal Clerk, stated she was a long term participant in the deferred compensation plan; however, was concerned that the current funds be transferred and would there be a penalty for that transfer of funds.

Representative Power seconded Representative Sumrall's motion to postpone.

The vote on the postponement until City Council meeting of January 21, 2003 was as follows:

AYES: Representatives Sumrall and Power
NAYS: Representatives Rodriguez, Cook, Mayor Pro Tem Medina, Escobar, Sariñana and Cobos

The motion failed.

Motion made by Representative Cook, seconded by Representative Escobar and carried to award RFP No. 2003-009R Deferred Compensation Administrator

AYES: Representatives Rodriguez, Medina, Cook, Power, Escobar and Cobos
NAYS: Representative Sumrall
ABSTAIN: Representative Sariñana

Award to: ING Financials Advisors
Fairfax, VA
Item (s): All
Amount: N/A

Department: Office of Management and Budget
Funds available: N/A
Funding source: Employee Voluntary Contributions Only
Total award: N/A

The OMB Legislative Review Committee based on evaluation factors established for this RFP recommend award to ING Financials Advisors, LLC.

This is a three (3) year contract with the option to extend the contract for two additional one-year periods.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary.

The final contract will be placed on the City Council agenda, at a future date for City Council final approval and authorization to execute contract agreements, the Mayor to execute and to proceed.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2002-208 Household Hazardous Waste Disposal Services (Rebid)

Representative Cobos questioned what the annual estimated cost for household hazardous waste submitted by the other three bidders was.

Representative Sariñana asked questions regarding the "rebid" and the number of vendors.

Mr. Byron Johnson, Director of Purchasing, and Ms. Emma Acosta, Director of Solid Waste Management, answered questions from and responded to comments made by the Council Members.

Representative Cobos moved to award Bid No. 2002-208 Household Hazardous Waste Disposal Services to Frontera. Representative Sumrall seconded.

Ms. Rita Rodriguez, City Attorney, commented on the words "responsibility" and "responsiveness" pertaining to this particular bid. She requested that Council Members postpone the matter for further clarification regarding the Best Value Procurement award to the second lowest bidder.

Representative Sumrall moved to withdraw her second.

Representative Sariñana seconded Representative Cobos' motion.

Motion made by Representative Cook, seconded by Representative Power and carried to postpone until the City Council Meeting of January 7, 2003 Bid No. 2002-208 Household Hazardous Waste Disposal Services (Rebid)

AYES: Representatives Sumrall, Rodriguez, Medina, Cook, Power and Escobar

NAYS: Representatives Sariñana and Cobos

Award to: Rinchem Company, Inc.
Dallas, Texas
Item (s): All
Amount: \$65,000.00 (estimated annually)

Department: Solid Waste Management
Funds available: 34010289-40403-502215
Funding source: Outside Contracts
Total award: \$65,000.00 (estimated annually)

Solid Waste Management and Purchasing recommend award as indicated, as this vendor has provided the Best Value Procurement and meets specifications.

This is a thirty-six (36) month contract with the option to extend the term of this contract for one (1) additional year.

Representatives Sariñana and Cobos voted Nay.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-003 Washington Park Senior Citizens Center & Indoor Pool

Contractor: VISTACON, INC.
El Paso, TX

Department: Parks and Recreation
Funds Available: 31130514-PPW0057002-26281-508050
Funding Source: Quality of Life Bonds FY02
Items: Base Bid I \$2,670,000.00
Base Bid IA \$5,550.00
Alternate #2 \$120,000.00
Alternate #4 \$84,500.00
Alternate #5 \$6,000.00
Alternate #6 \$41,200.00
Total Award: \$2,927,250.00

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Parks and Recreation recommend the award of this contract to VISTACON, as this Offeror has provided the Best Value Proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-243 PARKS AND RECREATION

This Budget transfer establishes an appropriation to erect a shade structure for the Galatzan Daycare playground. Funds come from accumulated fund balance.

Increase	\$2,000	to	51510131/P50021416314/407002	Est Rev
Increase	\$2,000	to	51510131/P50021416314/508009	Furn & Fixt

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-252 MUNICIPAL CLERK

To fund new Records Management Section in the warehouse located at 617 Texas.

Decrease	\$36,622	from	99010273/01101/504405	OpnContingenRes
Increase	\$ 250	to	11010009/01101/503100	Office Sup
Increase	\$ 1,132	to	11010009/01101/503101	MinOfficeEq
Increase	\$ 1,500	to	11010009/01101/503117	EqMaintSup
Increase	\$ 3,195	to	11010009/01101/503121	Sup & Materials
Increase	\$ 280	to	11010009/01101/503122	Maint Sup-NOC
Increase	\$ 475	to	11010009/01101/503123	Safety Eq
Increase	\$ 2,790	to	11010009/01101/502404	Office Eq Lse
Increase	\$20,000	to	11010009/01101/502215	OutsdeContNOC
Increase	\$ 7,000	to	11010009/01101/501011	PT Temp Sal

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-254 AIRPORT

Transfer of appropriation to fund the developmental phase of the new Industrial Park Project.

Increase	\$ 1,000	to	62620026/PAP001841053/502205	Legal Notices
Increase	\$ 800	to	62620026/PAP001841053/502302	Print Shop Alloc
Increase	\$ 800	to	62620026/PAP001841053/502304	Mail Room
Increase	\$400,000	to	62620026/PAP001841053/508016	Arch & Design
Increase	\$ 10,000	to	62620026/PAP001841053/508021	City Engineer Chg
Increase	\$ 3,000	to	62620026/PAP001841053/508024	Testing
Increase	\$ 3,000	to	62620026/PAP001841053/508026	Inspections
Increase	\$ 76,400	to	62620026/PAP001841053/508027	Construction
Increase	\$ 5,000	to	62620026/PAP001841053/508051	PrgMgmtCyEng
Increase	\$500,000	to	62620026/PAP001841053/407001	Intrafd Trf In
Increase	\$500,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$500,000	to	62620018/P50000241021/507001	Intrafd Trf Out

*Motion made, seconded and unanimously carried to approve the request of Yolanda Johnson to block off Tom Shaw between 11046 to 11051 on December 29, 2002 from 2:30 p.m. to 4:30 p.m. for a block party

(matachines). Approximately 100 persons will take part and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices."
PERMIT NO. 02-198

.....
ORDINANCE 15315

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF HARKIS ROAD ADJACENT TO LOT 8, BLOCK 7 AND LOT 9, BLOCK 8, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Ms. Patricia D. Adauto, Planning Research and Development, explained the vacation for Council Members and noted that the Socorro Independent School District was proposing construction of a Pre-K through 8th grade elementary school. She added that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended in favor of the vacation.

Representative Power explained that he had met with the Socorro Independent School District administration and have reached an amicable agreement.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Mayor Raymond C. Caballero

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made, seconded and unanimously carried to move to the forefront the following Ordinance:

ORDINANCE 15316

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING TO SOUTHERN UNION COMPANY, A DELAWARE CORPORATION, PERMISSION AND AUTHORITY TO ASSIGN AND TRANSFER TO ONEOK, INC., AN OKLAHOMA CORPORATION, ITS RIGHTS AND OBLIGATIONS UNDER ORDINANCE NO. 014360, AS AMENDED BY ORDINANCE NO. 014496, WHICH GRANTS CERTAIN NON-EXCLUSIVE POWERS, LICENSES, RIGHTS-OF-WAY, PRIVILEGES AND FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN IN THE CITY OF EL PASO, TEXAS, A NATURAL GAS DISTRIBUTION SYSTEM.**

Mr. Norman Gordon, outside utility counsel, explained that Council Members must make a finding that the proposed Assignee was qualified to render the proposed services; that the Assignee was qualified to maintain the public rights-of-way adequately and safely; that the proposed Assignee has the financial responsibility and that the proposed Assignee has the ability to meet the terms of the franchise. He answered questions from and responded to comments made by the Council Members.

Representatives Cook, Sumrall, Medina, Power, Cobos, and Sariñana asked questions and made comments.

Ms. Monica Cunningham, representing Oneok, Inc. and Southern Union Gas Company, provided documents supporting evidence that: 1. that the proposed Assignee was qualified to render the proposed services; 2. that the Assignee was qualified to maintain the public rights-of-way adequately and safely; and 3. that the proposed Assignee has the financial responsibility and ability to meet the terms of the franchise. She introduced Mr. Richard Fleager, Southern Union Gas Co, Mr. Roger Mitchell, Vice President of Oklahoma Natural Gas Service, Ms. Sue Griffin, Associate General Counsel and Vice-President for Oneok, and answered questions from and responded to comments made by the Council Members.

Mr. Richard Fleager, Vice President of Southern Union Gas, addressed the comparison of rates of Southern Union Gas and Oklahoma Natural Gas. He answered questions from the Council Members regarding Oneok reducing current El Paso staff levels, a possible rate increase, and Oneok's purchase of Southern Union Gas Company for more than its value. He answered questions from and responded to comments made by the Council Members.

Mr. Roger Mitchell, Vice President Oklahoma Natural Gas Company, a division of Oneok, explained that Oneok was a diversified company and addressed the Council Member's concerns. He answered questions from and responded to comments made by the Council Members.

Ms. Lisa Turner, citizen, spoke against the ordinance.

Mr. Gordon explained the amendments to the Ordinance for Council Members information.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to close the Public Hearing.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted, as amended. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

- AYES: Council Members Sumrall, Cook, Escobar, Sariñana and Cobos
- NAYS: Council Members Rodriguez, Medina and Power

- ABSENT: Mayor Raymond C. Caballero

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to recess City Council Meeting at 11:10 a.m.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reconvene the City Council Meeting at 11:15 a.m.
.....

ORDINANCE 15317

The City Clerk read an Ordinance entitled: **ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02022, TO ALLOW FOR A CELLULAR TELECOMMUNICATIONS ANTENNA FACILITY WITH A SEVENTY-FIVE-FOOT (75') MONOPOLE AND EQUIPMENT SHELTER ON A PORTION OF LOT 1, BLOCK 12, APOLLO HEIGHTS UNIT 4, EL PASO, EL PASO COUNTY, TEXAS (10450 KENWORTHY) PURSUANT TO SECTION 20.12.040T (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Escobar questioned whether or not there was opposition to the Special Permit.

Ms. Patricia D. Adauto, Planning, Research and Development Department, responded no and provided further clarification regarding the placement of the cellular telecommunications antenna. She commented that the Building and Zoning Advisory Committee would be addressing the "camouflaging" issue during its rewrite process. She answered questions from and responded to comments made by the Council Members.

Ms. Lisa Turner, citizen, questioned whether the City of El Paso considered "camouflaging" the cellular telecommunications antennas as like those in Arizona that resemble "cactus". She questioned whether or not the City had considered placing the antennas on right-of-ways, such as streetlights and camera towers, in the future. She answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Mayor Pro Tem Medina, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS:	Council Member Sumrall
Absent:	None

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15318

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 17, 18 & 19, PALMDALE ACRES, EL PASO, EL PASO COUNTY, TEXAS (7247 NORTH LOOP) FROM R-F (RANCH-FARM) TO C-2 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mayor Pro Tem Medina questioned whether or not there was opposition to the zoning change request.

Ms. Patricia D. Adauto, Planning, Research and Development Department, responded no and added that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended in favor of the rezoning to C-2.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Mayor Pro Tem Medina, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15319

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 2A & 3A, BLOCK 3, YSLETA GRANT (AMERICAS AVENUE, SOUTHWEST OF NORTH LOOP) FROM R-F (RANCH-FARM) TO C-2 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE**

Representative Escobar questioned whether or not there was opposition to the zoning change request.

Ms. Patricia D. Aauto, Planning, Research and Development Department, responded no and DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended unanimously in favor of the zoning change request.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to postpone until the City Council Meeting of January 7, 2003, an Ordinance changing the zoning of all of Tract 7B, Block 35, YSLETA GRANT, El Paso, El Paso County, Texas (between Loop 375 and Independence Drive) from R-F (Ranch and Farm) to A-2 (Apartment). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. / Representative: CEA Engineering Group; 2718 Wyoming Avenue, El Paso, TX 79903. ZC-02042.

Representative Escobar questioned whether or not there was opposition to the zoning change request.

Ms. Patricia D. Aauto, Planning, Research and Development Department, responded yes, a petition with 32 signatures and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended in favor of the A-2 zoning change request. She gave a Powerpoint presentation providing further clarification of the zoning change.

Motion made by Representative Sumrall, seconded by Representative Cobos and unanimously carried to postpone until the City Council Meeting of January 7, 2003, an Ordinance changing the zoning of a portion of Tracts 13 and 14, J. L. Johannsen Survey No. 185, El Paso, El Paso County, Texas (5940 Doniphan Drive) from R-3 (Residential) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Bahram Shirazi, 912 Singing Hills Drive, El Paso, TX 79912. ZC-02044.

Representative Sumrall questioned the proposed use of the property.

*Motion made, seconded and unanimously carried to postpone until the City Council Meeting of January 7, 2003, the public hearing to determine if the property located at 819 Bolivia Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Joe Crnkovich and Myrtle C. Crnkovich, 819 Bolivia Street, El Paso, Texas 79903, have been notified of the violations at this property. The property located at 819 Bolivia has due taxes in the amount of \$4,979.52.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone until the City Council Meeting of January 7, 2003, the public hearing to determine if the property located at 1410 Delta Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Jose L. Rivera and Guillermina Rodriguez, 1410 Delta Drive, have been notified of the violations at this property. The property located at 1410 Delta Drive had due taxes in the amount of \$1,482.33.

***Motion made, seconded and unanimously carried to postpone until the City Council Meeting of Thursday, January 2, 2003, the discussion and action on the Downtown Historic Self-Guided Walking Tour Signs to be made by the Street Department for the Downtown Management District at a cost of \$1,169.84 for 28 signs.**

*Motion made, seconded and unanimously carried to postpone until the City Council Meeting of January 7, 2003, the discussion and action authorizing the Planning, Research & Development Department to process a City-initiated revision to the comprehensive plan, The Plan for El Paso, by amending the 2025 Proposed Thoroughfare System Map to remove the minor arterial designation of River Bend Drive from Frontera Avenue to Sunland Park Drive.

Item: Discussion and action on a Resolution supporting Channel 44 XHIJ's right to continue broadcasting in the El Paso/Cd. Juarez Metroplex area.

RESOLUTION

WHEREAS, Intermedia, S.A. de C.V., a Mexican corporation, which is a business owned and operated by the Cabada family of Cd. Juarez, Mexico, and El Paso, Texas, with substantial operations and employees in Cd. Juarez and El Paso, Texas, has been notified by Time Warner Cable that its 15-year access to the El Paso cable system will be terminated as of December 31, 2002; and

WHEREAS, Intermedia's locally produced television programming focuses on local interests, including news, business, culture, arts and public service, providing an invaluable programming source devoted substantially to the coverage of minority viewpoints and programming directed at the El Paso area's substantial Hispanic population; and

WHEREAS, with Intermedia's contribution, Time Warner Cable has dramatically increased its percentage of cable-subscribed households over the last 15 years, and Intermedia will cease being an economically viable enterprise without access to Time Warner's cable system, endangering the investment, operations and jobs located in the El Paso/Juarez area.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL, that the City Council of the City of El Paso resolves that the City Cable Communications Commission is vehemently encouraged to regulate in a manner that allows El Paso/Juarez area based Channel 44 to maintain access to the City of El Paso cable system in an effort to maintain and promote the economic viability of said companies for the economic benefit for both sister city communities and their citizens.

Mayor Pro Tem Medina and Representative Sumrall commented.

Mr. Rudy Mata, attorney representing Channel 44, provided background information for Council Members information. He answered questions from and responded to comments made by the Council Members.

Ms. Rita Rodriguez, City Attorney, answered questions from and responded to comments made by the Council Members.

Representative Cook requested that the language not be in the format of a "Proclamation"; but rather a Resolution.

Representative Cobos read the Resolution into the record and amended the Resolution as suggested by Representative Sumrall and Mayor Pro Tem Medina.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Resolution, as amended.

.....
Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance No. 15314, permitting El Paso Golden Gloves to use the Carolina Recreation Center from February 7, 2003, through February 9, 2003, pursuant to the terms of a Co-sponsorship Agreement.

PUBLIC HEARING WILL BE HELD ON JANUARY 7, 2003 FOR ITEM A

- B. An Ordinance changing the zoning of Tract 1G1, Block 5, ASCARATE GRANT, El Paso, El Paso County, Texas (580 Giles Road) from R-3 (Residential) to A-O (Apartment-Office). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: San Juan Lutheran Church / Representative: Dimensions Architects International, 4150 Rio Bravo, El Paso, TX 79902. ZC-02055.
- C. An Ordinance changing the zoning of Lot 87, SUNRISE ACRES #1, El Paso, El Paso County, Texas (8410 Mercury) from R-4 (Residential) to R-5 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: David & Daniel Esquivel / Representative: Adrian Hernandez, P.O. Box 11237, El Paso, TX 79995. ZC-02057
- D. An Ordinance changing the zoning of Tract 3B2, Section 43, Block 80, Township 1, TEXAS & PACIFIC RAILROAD SURVEYS, El Paso, El Paso County, Texas (6062 Pompano Street) from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Mirrisons L.L.C. / Representative: Dorado Engineering Inc., 2310 Montana Avenue, El Paso, TX 79903. ZC-02049

- E. An Ordinance changing the zoning of a portion of Lot 1, Block 23, VISTA GRANADA UNIT THREE, El Paso, El Paso County, Texas (George Dieter Drive north of Rojas Drive) from C-1 (Commercial) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Three Amigos Partnership / Representative: David Etzold, 201 E. Main Avenue, El Paso, TX 79901. ZC-02052
- F. An Ordinance changing the zoning of a portion of Tract 22A, Block 54, YSLETA GRANT, El Paso, El Paso County, Texas (Castner Drive between Kessler & Diesel Drive) from P-I (Planned Industrial) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Luis Armando Fuentes / Representative: Alfredo Bocanegra, 9434 Viscount Boulevard #201, El Paso, TX 79925. ZC-02053
- G. An Ordinance changing the zoning of a portion of Tract 2 and Tract 3, Block D, CHRISTY TRACT, El Paso, El Paso County, Texas (7814 Craddock Avenue) from R-F (Ranch and Farm) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Pablo and Rosa Martinez, 225 Hadlock Street, El Paso, TX 79905. ZC-02054
- H. An Ordinance changing the zoning of a portion of Tract 1, Section 40, Block 79, Township 2, TEXAS & PACIFIC RAILROAD SURVEYS (Edgemere Boulevard east of Joe Battle Boulevard) from R-5 (Residential) to C-1 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real VI, LTD / Representative: Conde Inc., 1790 Lee Trevino Drive Suite 400, El Paso, TX 79936. ZC-02061
- I. An Ordinance changing the zoning of a portion of Tract 1, Section 40, Block 79, Township 2, TEXAS & PACIFIC RAILROAD SURVEYS, El Paso, El Paso County, Texas (Tierra Este Road south of Edgemere Boulevard) from R-3A (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real VI, LTD / Representative: Conde Inc., 1790 Lee Trevino Drive, Suite 400, El Paso, TX 79936. ZC-02062

PUBLIC HEARING WILL BE HELD ON JANUARY 14, 2002 FOR ITEMS B - I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to adjourn this meeting at 1:07 p.m.

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk